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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010 - 187

13 **KRISTI LYN REED**
845 Blu Rock Road
Gardnerville, NV 89460

A C C U S A T I O N

14 **Registered Nurse License No. 624115**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about August 13, 2003, the Board issued Registered Nurse License Number
23 624115 to Kristi Lyn Reed ("Respondent"). Respondent's registered nurse license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on October 31,
25 2010, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
15 California health care professional licensing board. A certified copy of the decision
16 or judgment shall be conclusive evidence of that action.

17

18 (f) Conviction of a felony or of any offense substantially related to the
19 qualifications, functions, and duties of a registered nurse, in which event the record of
20 the conviction shall be conclusive evidence thereof . . .

21 6. Code section 2762 states, in pertinent part:

22 In addition to other acts constituting unprofessional conduct within the
23 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
24 person licensed under this chapter to do any of the following:

25

26 (b) Use any controlled substance as defined in Division 10 (commencing
27 with Section 11000) of the Health and Safety Code, or any dangerous drug or
28 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription,
consumption, or self administration of any of the substances described in subdivisions
(a) and (b) of this section, or the possession of, or falsification of a record pertaining
to, the substances described in subdivision (a) of this section, in which event the
record of the conviction is conclusive evidence thereof . . .

1 7. Code section 490, subdivision (a), states:

2 In addition to any other action that a board is permitted to take against a
3 licensee, a board may suspend or revoke a license on the ground that the licensee has
4 been convicted of a crime, if the crime is substantially related to the qualifications,
5 functions, or duties of the business or profession for which the license was issued.

6 COST RECOVERY

7 8. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Criminal Conviction)

13 9. Respondent is subject to disciplinary action pursuant to Code sections 2761,
14 subdivision (f), and 490, subdivision (a), in that on or about January 9, 2009, in the criminal
15 proceeding titled *People v. Kristi Lyn Reed* (Super. Ct. El Dorado County, 2009, Case No.
16 P08CRM1772), Respondent pled no contest to violating Vehicle Code section 23152, subdivision
17 (b) (driving a vehicle while having 0.08 percent and more, by weight, of alcohol in her blood, a
18 misdemeanor), a crime substantially related to the qualifications, functions, and duties of a
19 registered nurse. The circumstances of the crime are as follows: On or about October 13, 2008,
20 an officer with the Placerville Police Department was dispatched to a traffic collision. After
21 arriving on scene, the officer received a report from one of the parties involved in the collision
22 that Respondent may be under the influence of alcohol. As the officer spoke with Respondent, he
23 noticed the objective signs of intoxication, including that Respondent had red/watery eyes, her
24 balance was unsteady, and she had an odor of an alcoholic beverage about her breath. The officer
25 administered a PAS device in the field with a result of .187% BAC (blood alcohol), and field
26 sobriety tests. The officer determined based on the above information that Respondent was
27 operating a motor vehicle while under the influence of alcohol.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Use of Alcoholic Beverages to an Extent or in a Manner**
3 **Dangerous or Injurious to Oneself and Others)**

4 11. Respondent is subject to disciplinary action pursuant to Code section 2761,
5 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
6 subdivision (b), in that Respondent used alcoholic beverages to an extent or in a manner
7 dangerous or injurious to herself and others, as set forth in paragraph 9 above.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Criminal Conviction Involving Consumption of Alcoholic Beverages)**

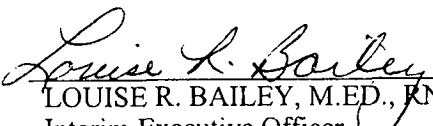
10 12. Respondent is subject to disciplinary action pursuant to Code section 2761,
11 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
12 subdivision (b), in that on or about January 9, 2009, Respondent was convicted of a crime
13 involving the consumption of alcoholic beverages, as set forth in paragraph 9 above.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 624115, issued to Kristi
18 Lyn Reed;
- 19 2. Ordering Kristi Lyn Reed to pay the Board of Registered Nursing the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions
21 Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 10/5/09


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A
CONSENT ORDER

BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:)
) Case No. 03-033
KRISTI LYN REED,)
License No. N-27584.) CONSENT ORDER
)
Respondent.)

WHEREAS, information having been received by the Idaho State Board of Nursing hereinafter the "Board" which constitutes sufficient grounds for the initiation of an administrative action against Kristi Lyn Reed (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

2. Respondent is a licensee of the Idaho State Board of Nursing and holds License No. N-27584 to practice as a registered nurse in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 14, Idaho Code.

3. During the course of an investigation, Respondent admitted to Board staff that she had failed to document or waste medication pursuant to the policies and procedures of the facility where she was employed. There is no evidence of drug usage or diversion.

4. The facts as stated in paragraphs 1-3, above, constitute violations of Idaho Code 54-1413(1)(g) and IDAPA 23.01.01.100.08, and 23.01.01.101.04.j, and .05.c. and .06.a. and .06.b.

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CONSENT ORDER

5. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby agrees to the imposition of discipline against her license as set forth in Section C below.

B.

1. Kristi Lyn Reed, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in Section A. I further understand that these allegations, if proven, constitute cause to discipline my license to practice nursing in the State of Idaho, and I agree that the Board has jurisdiction to proceed in this matter.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. An informal reprimand is issued by the Board.

2. Respondent attends a Board of Nursing approved documentation of records course and completes the NCSBN Nurse Practice Act on-line course.

3. The violation of any of the terms of this stipulation by Respondent will constitute cause for disciplinary action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this stipulation.

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CONSENT ORDER

D.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this settlement agreement, and if rejected by the Board, an administrative complaint will be filed. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the allegations in the Complaint if, after review by the Board, this settlement agreement is rejected.

3. If the Board does not accept this Consent Order, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. This Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Respondent understands that the Board will not refund, in whole or in part, any monies paid to the Board for her initial licensure or renewal licensure.

7. Any default of this Consent Order shall be considered a violation of Idaho Code § 54-1413. If Respondent violates or fails to comply with this Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Board's executive director shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response, the allegations will be deemed admitted.

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b. At the hearing before the Board upon default, the Board staff and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

8. The Board shall have the right to make full disclosure of this Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information pursuant to any applicable limitations of the Idaho Public Records Act, title 9, chapter 6 Idaho Code.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Consent Order as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it

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CONSENT ORDER
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DATED this ____ day of _____, 20__

KRISTLYN REED
Respondent

I concur in this stipulation and order.

DATED this ____ day of _____, 20__

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By _____
CHERI L. BUSH
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-1404, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the ____ day of _____, 20__. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By _____
Daniel Bauer, RN
Chairman

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CONSENT ORDER
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EXHIBIT B
STIPULATION AND CONSENT ORDER

BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:)
) Case No. BON 06-025
KRISTI LYN REED,)
License No. N-27584,) STIPULATION AND
) CONSENT ORDER
Respondent.)
)

Nursing\Reed\P61671ka

WHEREAS, information having been received by the Idaho State Board of Nursing (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Kristi Lyn Reed (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

2. Respondent Kristi Lyn Reed is a licensee of the Idaho State Board of Nursing and holds License No. N-27584 to practice professional nursing in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 14, Idaho Code.

3. At all times relevant herein, Respondent was employed at St. Benedict's Family Medical Center in Jerome, Idaho (hereinafter "St. Benedict's") and at Magic Valley Regional Medical Center in Twin Falls, Idaho (hereinafter "MVRMC").

4. On January 29, 2004, the Board entered into a Consent Order with Respondent for failing to document or waste medication pursuant to employers' policies and procedures. On May 12, 2004, Respondent was released from monitoring under the

Consent Order.

5. On January 30, 2006, Respondent signed out three hydrocodone/APAP 5/500 mg. tabs (Vicodin-5) from the acute care narcotic stock at St. Benedict's for use in the long term care unit for Residents #1 and #2. Only one tablet was accounted for on the unit's narcotic control form and within the clinical records of the residents for whom the drugs were signed out.

6. On February 8, 2006, a hydrocodone/APAP 10/325 mg. (Norco 10) cassette was checked into the long term care unit at St. Benedict's at 1515. On February 9, 2006, evidence of tampering with the cassette was detected at 1730. Eight tabs had been replaced with unidentified pills. Five licensed nurses had access to the narcotics over the 24-hour period, including Respondent who worked the evening of February 8, 2006, for 2.5 hours and the morning of February 9, 2006, for 4 hours.

7. On February 27, 2006, documentation reflected that Respondent medicated Resident #3 at St. Benedict's with the maximum dose ordered of hydrocodone/APAP 7.5/325 mg. (Norco 7.5), 2 tabs at 1700 and 2 tabs at 2100. Resident #3 had not received Norco 7.5 for three days prior. Resident #3 regularly complained of stomach pain after receiving Norco, but had no complaints of stomach pain on this date. Resident #3 was drug tested on February 28, 2006, at 1450, and the results of the drug screen were negative.

8. On March 6, 2006, Respondent worked the medication cart at St. Benedict's and had almost completed the medication pass when she left and another nurse took over. The shift had not yet ended and the narcotic count was not complete. The narcotic count was done at the shift change at 2230 and several discrepancies were noted.

9. On March 7, 2006, Respondent was interviewed at St. Benedict's and requested to perform a drug screen. Respondent did not report that she was taking any medications during the interview or prior to the drug screen. Respondent was placed on suspension pending results of the drug screen.

10. On March 17, 2006, Respondent's drug screen returned positive for hydrocodone, hydromorphone and oxymorphone, and her employment with St. Benedict's was terminated.

11. On April 10, 2006, while on shift at MVRMC, Respondent accessed the PACU Med Box at the OB Post-Partum Pyxis at 0503 and again at 0507. Respondent accessed the drawer under "Patient's Meds" for patient DN. However, patient DN did not bring in any home meds (other than insulin). The drawer was inventoried at 1310 on April 10, 2006, and was found to be short one Demerol 50 mg. syringe, and Respondent was the only person with access to the drawer from the time it was filled on April 8, 2006, at 1339 to the time of inventory. Demerol was not documented as being given to patient DN on April 10, 2006. In addition the PACU Med Box is to be used only for C-Section patients, but there were no C-Sections reported during the time the shortage was reported.

12. On April 12, 2006, Respondent was placed on indefinite leave of absence from MVRMC.

13. On or about May 3, 2006, Respondent obtained an alcohol/drug abuse evaluation which concluded that Respondent showed "no indication for abuse nor dependence" and that Respondent "[did] not meet the DMS IV Criteria for Substance Abuse or for Chemical Dependence."

14. On May 11, 2006, Respondent stated twice to the Board's investigator, Chanel Johnson, "I'll say anything to get into the PRN" and further stated that she had diverted Norco and that she "had a problem" with Norco.

15. On or about October 18, 2006, Respondent was diagnosed with alcohol and opioid dependence. On or about October 30, 2006, Respondent completed in-patient detoxification treatment and a two-week chemical dependency rehabilitation program at Carson Tahoe Regional Healthcare in Carson City, Nevada.

16. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of nursing, specifically Idaho Code §§ 54-

1413(1)(d), (e) and (g) and Board Rules (IDAPA 23.01.01) 100.05, 100.06, 100.08, 100.09, 101.04.e, 101.05.c, 101.05.e, and 101.05.f.

17. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against her license as set forth in Section C below.

B.

I, Kristi Lyn Reed, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations, if proven, constitute cause to discipline my license to practice nursing in the State of Idaho, and I agree that the Board has jurisdiction to proceed in this matter.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this Stipulation whereby:

1. Respondent agrees to voluntarily surrender her license to the Board within seven (7) days of receipt of the Board's Order. A copy of the Voluntary Surrender of License form is attached hereto. Respondent shall complete and sign the Voluntary Surrender of License form and return it, along with her license, to the Board of Nursing at

280 N. Eighth Street, Suite 210, Boise, ID 83720-0061. Respondent shall also provide the Board with a current address and phone number where Respondent can be contacted.

2. After the Board is in receipt of the Voluntary Surrender of License and Respondent's license, Respondent will be contacted by Board staff concerning enrollment in the Program for Recovering Nurses (PRN). Respondent agrees to contact the PRN within seven (7) days of being notified by Board staff that they have received the Voluntary Surrender of License and Respondent's license.

3. Respondent agrees to comply with all terms and recommendations of the PRN and understands that she will not be eligible for reinstatement of her license, restricted or otherwise, if she fails to comply with terms and conditions of the PRN.

4. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

5. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this settlement agreement, and if rejected by the Board, an administrative Complaint will be filed. By signing this document, Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the Complaint based on the fact that the Board has considered and rejected this settlement agreement. Pursuant to Idaho Code § 67-5252, Respondent retains the right to otherwise challenge the impartiality of any Board member to hear the allegations

in the Complaint based upon bias, prejudice, interest, substantial prior involvement in the case or any other reason provided by law or for any cause for which a judge is or may be disqualified.

3. If the Board does not accept this Consent Order then, except for Respondent's waiver set forth in Paragraph D(2), above, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. With the exception of Paragraph D(2), above, which becomes effective upon Respondent signing this document, this Consent Order shall not become effective until it has been approved by a majority of the board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Respondent understands that the Board will not refund, in whole or in part, any monies paid to the Board for initial licensure or renewal licensure.

7. Any default of this Consent Order shall be considered a violation of Idaho Code § 54-1413. If Respondent violates or fails to comply with this Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Board's executive director shall schedule a hearing before the Board to assess whether or not Respondent has defaulted under this agreement. The director shall also serve notice of the default hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of default hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations of default will be deemed admitted.

b. At the default hearing, Board staff and Respondent may submit affidavits made on personal knowledge and present oral argument based upon the record

in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the default hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

8. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

9. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Consent Order as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 30th day of October, 2006.

Kristi Lyn Reed
Kristi Lyn Reed
Respondent

STIPULATION AND CONSENT ORDER - 7

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CLERK OF DISTRICT COURT
CLERK OF DISTRICT COURT
CLERK OF DISTRICT COURT

I concur in this stipulation and order.

DATED this 30 day of October, 2006.



Steven F. Scanlin
Attorney for Respondent

I concur in this stipulation and order.

DATED this 31 day of October, 2006.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Kl TK
Karl T. Klein
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-1404, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the 30 day of October, 2006. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By Susan Odom
Susan Odom, Ph.D., R.N.
Chair

STIPULATION AND CONSENT ORDER - 8

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EXHIBIT C

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER

BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:)	
)	Case No. BON 06-025
KRISTI LYN REED,)	
License No. N-27584,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
Respondent.)	FINAL ORDER
_____)	

INTRODUCTION AND PROCEDURAL HISTORY

At its November 2, 2006 meeting, the Idaho Board of Nursing ("Board") accepted the Stipulation entered into between Respondent Kristi Lyn Reed ("Reed") and the Board's enforcement counsel and entered a Consent Order. In the Stipulation, Reed admitted that in January 2004, the Board entered a Consent Order against her for failure to document or waste medication. Reed further admitted to numerous violations of the Board's statutes and rules, primarily relating to drug abuse and diversion.

Under the Stipulation and Consent Order, Reed voluntarily surrendered her Idaho nursing license and entered the Program for Recovering Nurses ("PRN"). The Consent Order provided that failure by Reed to comply with any term of the Consent Order would constitute a default and the Board could take further disciplinary action following a default hearing.

On or about December 13, 2007, the Executive Director of the Idaho Board of Nursing ("Board") filed a Notice of Default Hearing and Order to Show Cause against Reed. On January 24, 2008, the Board held a hearing on the Order to Show Cause. Notice of the hearing was properly sent to Reed. Reed failed to appear in person or through counsel at the hearing.

FINDINGS OF FACT

1. By letter dated January 6, 2008, Reed admitted the pending charges contained in the Notice of Default Hearing and Order to Show Cause.

2. Based upon Reed's admission, the following facts have been proven:

a. Reed violated a November 24, 2006 PRN contract by failing a January 17, 2007 urine test.

b. Reed violated an April 10, 2007 PRN contract by failing a September 10, 2007 urine test, failing to test on October 15, 2007, missing twelve (12) call-in days and admitting to drinking vodka on November 1, 2007.

c. Reed violated a November 2, 2007 PRN contract by failing a November 2, 2007 urine test.

3. In Reed's words: "I am an alcohol dependent individual who has not been able to be successful at abstinence for any long period of time." Reed indicates that she is attempting to comply with the Board's requirements and that, "It is my intention to be successful with my sobriety and eventually return to my career as a nurse."

4. Reed's admissions to the above-stated violations of her signed PRN contracts places her in default of the November 2, 2006 Stipulation and Consent Order and in violation of Idaho Code § 54-1413.

5. Reed's admissions constitute sufficient grounds for further disciplinary action.

CONCLUSIONS OF LAW

1. The Findings of Facts as stated above fall within the regulatory jurisdiction of the Board as set forth in title 54, chapter 14, Idaho Code.

2. The Board has the authority to revoke, suspend, or otherwise discipline a nursing license when the licensee is in default of a stipulation and consent order and is in violation of Idaho Code § 54-1413.

3. Reed's admissions to the above-stated violations of her signed PRN contracts constitutes a violation of the Stipulation and Consent Order and Idaho Code § 54-1413.

FINAL ORDER

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, IT IS ORDERED that:

Respondent Kristi Lyn Reed's License No. N-27584 IS HEREBY REVOKED.

DATED this 4th day of February, 2008

IDAHO STATE BOARD OF NURSING



SUSAN ODOM, PhD, RN
Chairman

NOTICE OF APPEAL RIGHTS

This is a final order of the Board. Any party may file a motion for reconsideration of this final Order within fourteen (14) days of the service date of this Order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

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Pursuant to Idaho Code § 54-1413 and Board of Nursing Rule IDAPA 23.01.01.165, you may petition for reconsideration of this final Order of the Board upon the following grounds:

- i. Newly discovered or newly available evidence relevant to the issues;
- ii. Error in the proceeding or Board decision that would be grounds for reversal or judicial review of the order;
- iii. Need for further consideration of the issues and the evidence in the public interest; or
- iv. A showing that issues not considered ought to be examined in order to properly dispose of the matter.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final Order may appeal this final Order to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final Order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.